A REVIEW OF ADOPTION SERVICES IN BRITISH COLUMBIA

Prepared for:
MINISTRY OF SOCIAL SERVICES AND HOUSING
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Prepared by:

JEAN D. COSGROVE
Research, Evaluation & Statistics
Corporate Services Division

NOLA M. SILZER
Contract Analyst
Family & Children's Division

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PREAMBLE

The purpose of this paper is to provide a picture of the British Columbia adoption program administered by the Family and Children's Services Division of the Ministry of Social Services and Housing. We have collected and organized information which we hope will:

- provide an overview of the adoption program as it currently operates;
- place it in an historical and sociological context;
- provide statistics on the Ministry's program in the last six years;
- list the issues emerging on the adoption scene; and
- provide a summary of major features of adoption legislation across Canada.

We have collected data from the following sources:

- literature surveys
- Ministry adoption files
- Ministry statistical files
- interviews with
    - Judy Archer, Special Needs Adoption Demonstration Project
    - Delma Hemming, Chair, Adoption Management Committee
    - Trudy Denton and Helen Mark, Adoptive Parents Association (APA)
    - Judy Webb, Society of Special Needs Adoptive Parents (SNAP)
    - Hank Vander Pol, former coordinator, Adoptions
    - Professor John Kilcoyne, University of Victoria, Faculty of Law
    - Robin Ruffell, Acting Supervisor, Adoption Section
    - Gerald Merner, Social Research, Corporate Services
- consultation with
    - Adoption Management Committee
    - Regions ABCD Adoption Group
    - Adoption Section Staff
    - Other provinces' adoption coordinators

In addition, the Assisted Adoption training sessions in five locations in the province in February 1990 afforded Nola Silzer the opportunity to collect impressions and opinions about the adoption process from social workers, district supervisors and area managers.

A. THE CONTEXT

(1) The adoption process

Adoption is defined by the Child Welfare League of America (CWLA) as

> A legal and social process that gives full family membership to children not born to the adoptive parent(s).

The underlying principles of adoption theory and practice, as formulated by the CWLA (1), are a useful reference before looking at the provincial program. These principles are:

- People are society's most valuable resource. Children assure the furtherance of society. Raising those children well assures the quality of society.
- Children are best raised within a family structure.
- As a general rule, the birth family is best qualified to raise its children as it has the potential of providing not only love, commitment, and nurture, but also connectedness in history. Society has a responsibility to provide support and resources that help the family in raising its children. Within the family, however, there must exist those basic skills that are necessary for the life-affirming growth of the children.
- Society has a responsibility to provide an alternate legal and permanent family for those children who cannot be safely and healthfully raised by their families.
- Society has a responsibility to provide support and resources to assist families formed by adoption in raising their children.
- Adoption is a lifelong connection that has a unique impact on all the parties involved.
- Adoption agencies have a responsibility to respond to adoption-related needs of all adoption triad members and their families at any time such a request is made.

(1) Report of the Child Welfare League of America National Adoption Task Force, Child Welfare League of America, Inc., Washington, 1987.

- Respect must be given for the right to self-determination of all parties in adoption to make decisions, to the degree they are able and the decisions are practicable.

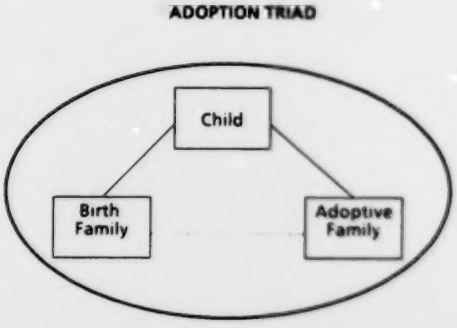
- Adoption agencies must apply these same principles in relation to international adoptions.

- Adoption agencies have a responsibility to promote public understanding of the adoption relationship, keeping in mind at all times the need to guard children's rights while serving their needs.

- No child shall be placed for adoption without prior assessment and preparation for the child, birth parents, and prospective adoptive family. The child shall be placed by a licensed agency committed to the delivery of counselling and other needed services on a lifelong basis to all parties in the adoption triad. The same high standards for the provision of services shall be applied in all placements.

- Because adoption is a dynamic process, these premises are subject to revision in light of new knowledge and changes in the social climate and needs.

Figure 1



Adoption is a lifelong process involving three primary parties: the birth parents, the child, and the adoptive parents. Each member of the adoption triad is affected by different personal, psychological, social, and legal factors.

The adoption experience is unique. Adoption, in a sense, is created by loss: the birth parent loses the adoptee, the adoptee loses the birth parent, and the adoptive parents lose the child that would have been born to them or the child they imagined adopting. Adoptive families are thus not like biological families as they have been through the adoption grieving process before becoming a family.

Adoption workers need to be knowledgeable about the adoption experience and skilled in providing the services which birth parents, adopted children, and adoptive parents need.

(2) Social change

Societal changes have had great influence over the adoption picture. Since World War II, when a young woman had a child out of wedlock, she most often relinquished her baby because she had few supports and single motherhood was not socially tolerated. Adoption was regarded as a solution for the child, the birth mother and the infertile adoptive couple. Until the late 1960s, there was an ample supply of healthy Caucasian infants available for adoption.

In the early 1970s things changed. The supply of healthy adoptable infants declined for a number of reasons: increased use of birth control, increased availability of abortion, and greater social acceptance and financial support of single mothers. Young women and teenagers, began to keep their babies.

In the last twenty years, with the shortage of healthy adoptable infants, social service and adoption agencies have turned their attention to finding homes for special needs children - children who are hard to place because of age, physical or mental disability, or emotional disturbance. Consequently, some of the criteria for selecting adoptive homes has been relaxed to allow, for example, single parents, working parents, and foster parents to adopt.

The baby shortage has also caused adoptive parents to take an increased interest in international and transracial adoptions, as well as private adoptions.

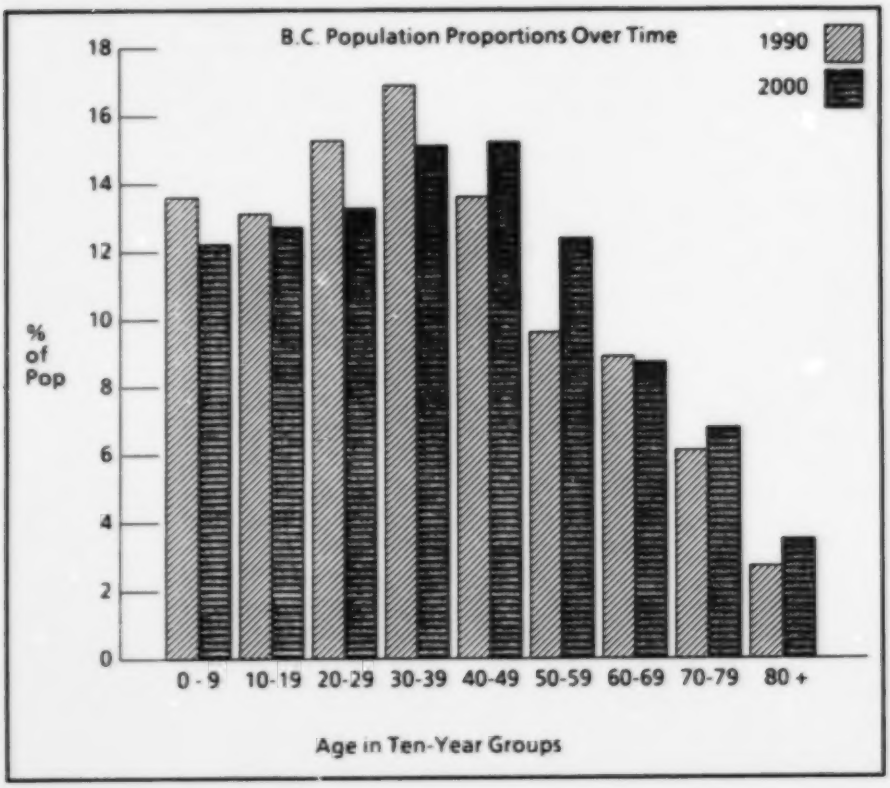
In addition, the individual rights movement has affected the adoption scene. Adoptees are claiming the right to know their birth and adoption histories. Birth fathers are claiming their parental rights over children relinquished for adoption.

(3) Demographic influences

After World War II, British Columbia experienced a large increase in population. Approximately one-half million babies were born between 1940 and 1959. Known as Baby Boomers, this age group, now 30 to 49 years old, represents a large proportion of the current population and therefore has significant influence over societal trends. Figure 2 compares age groups in 1990 with what they are projected to be in 2000. In ten years, when the Baby Boomers move into the 40 to 59 year old range, they will continue to be the largest proportion of the population.

The Baby Boomers are now in their child-bearing years with their children creating a smaller Echo Boom. Because of their large number, if only a small fraction of the Baby Boomers is infertile, they still create a great demand for healthy adoptable babies. This demand is further exaggerated by the small proportion of young women in the 15 to 25 year age range, who have been the traditional source of infants relinquished for adoption.

Figure 2



In the next ten years, as the Baby Boomers move out of their child-rearing years, we can expect the number of adoptive applicants to decrease. Figure 2 also indicates that the proportion of young children will also decrease for the same time period. It is not until the children of the Baby Boomers reach their child rearing years that the number of adoption applicants may increase again.

Next, we will look at a brief history of adoption in B.C. before moving on to describing the adoption services currently available.

(4) Historical sketch

1901 Infants Act enacted
- Superintendent of Neglected Children appointed
- incorporation of three Children's Aid Societies: Vancouver (Protestant), Vancouver (Catholic), and Victoria.

1920 Adoption Act enacted.

1931 Child Welfare Division born; Superintendent of Welfare and Neglected Children appointed.

1935 Adoption Act amended to provide for investigation, supervision and probation.

1947 Department recommended legislation to control private adoption placements.

1957 Adoption Act revised: adoptees right to inherit from natural parent removed; "as if born" clause added.

1964 A serious shortage of adoption homes caused the Department to increase staff and implement a province-wide recruitment strategy.

1967 The first provincial adoption conference held in cooperation with the Adoption Resource Exchange of North America (ARENA).

The Department received an international award for an adoption recruitment campaign.

1971 The Annual Report noted a sharp increase in the number of adopting applicants and a steadily diminishing number of children available for adoption.

1975 The Supreme Court of Canada ruled that registered Indians could be adopted under provincial statutes without losing rights under the Indian Act.

National Adoption Desk established.

The British Columbia Royal Commission on Family and Children's Law published its report.

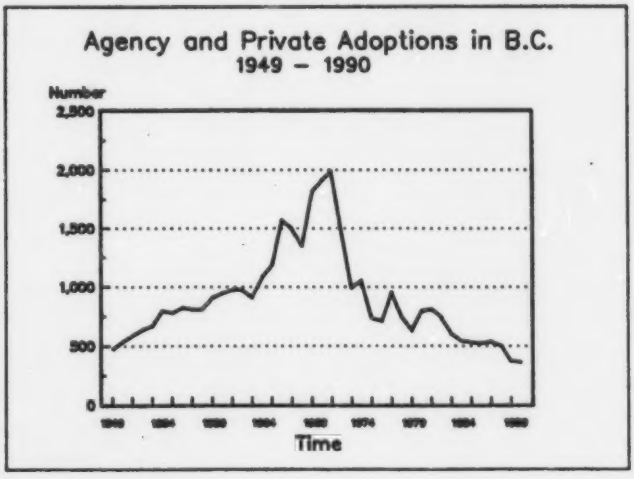
Completion of the amalgamation of the Vancouver and Victoria Children's Aid Societies with the Ministry.

The Annual Report noted an increase in requests for post-adoption information.

1978	A task force on adoption was struck in September 1978 at the request of the Minister.
	Ministry post-adoption services established.
1979	Adoption Act amended: the Superintendent no longer required to inquire and report into step-parent and relative adoptions unless directed by the court.
1980	Central adoption registry transferred to Victoria.
	Adoption Act amended to allow voluntary transfer of guardianship over the child to the Superintendent; "baby-selling" prohibited.
1985	Central adoption registry computerized.
1988	Adoption Reunion Registry established.
	Introduction of Native adoption policy to include Bands and/or Tribal Councils in planning for the placement of native children.
1989	Adoption Act amended to permit assisted adoptions and disclosure of identifying information in certain circumstances.
	Special Needs Adoption Conference held.
	Adoption Management Committee formed.
	Adoption Field Guide introduced.
1990	Bill 73 - Adoption Amendment Act passed Third Reading.
1991	Appointment of Adoption Program Manager.
	Passage of active adoption reunion registry legislation.

As Figure 3 shows, the number of non-relative adoptions has fluctuated dramatically over the past 40 years.

Figure 3



(5) Legislative authority

The adoptive program operates under the mandate of certain legislated acts. Participants in the adoption process in British Columbia are regulated by the following authorities:

- Adoption Act and Regulations which defines the role of the Superintendent of Family and Child Service in the adoption process;

- Family and Child Service Act which authorizes the Superintendent to place for adoption a child who has been permanently committed to the Superintendent's guardianship;

- Family Relations Act which appoints the Superintendent as guardian of a child whose parents die without appointing a guardian, she then has the right to place the child for adoption;

- GAIN Act and Regulations which include adoption as a social service and therefore protect the confidentiality of Ministry adoption records;

- Vital Statistics Act which requires the registration of all live births and the manner of registering adopted children; and

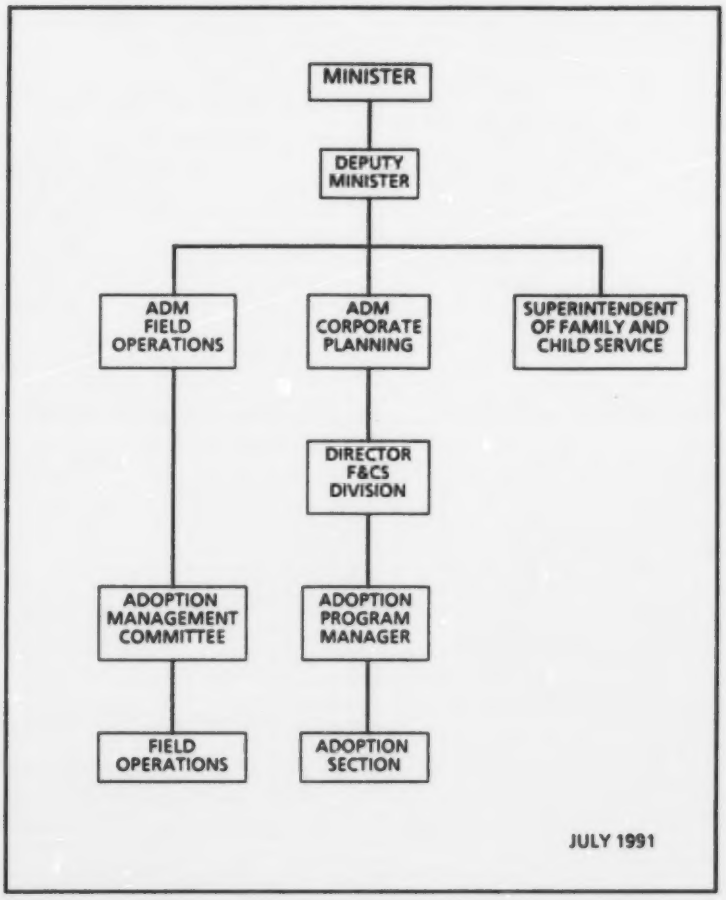
- Immigration Act which requires that the application to bring a child into Canada for the purpose of adoption be approved by the appropriate provincial child welfare agency.

B. ADOPTION SERVICES

The adoption program is one of many programs administered by the Ministry of Social Services and Housing. Figure 4 below charts the management structure of the program. Each cell is described on subsequent pages.

Figure 4

MANAGEMENT STRUCTURE OF ADOPTION PROGRAM



a. Senior management

The Minister as a member of the Cabinet sets the priorities and general direction for the Ministry. The Deputy Minister as chief administrative officer manages the Ministry by focussing on the mission to "serve the people of British Columbia by helping them during times of need and assisting them to regain or achieve self-sufficiency." (2)

(2) 1990/91 Business Plan, Ministry of Social Services and Housing, October 1989.

The Assistant Deputy Minister of Field Operations oversees the functioning of direct public service through the district offices in the ten Ministry regions. The Assistant Deputy Minister of Corporate Planning oversees the policy and planning of Ministry programs through the Directors of each program area. Therefore, the Ministry adoption program is delivered by social workers in district offices with a centralized matching and planning function in Family and Children's Services in Victoria.

b. Superintendent of Family and Child Service

Currently under the Adoption Act, the Superintendent's primary statutory functions are:

- under section 6, to conduct an inquiry into every non-relative adoption and report to the court recommending the granting or refusal of the adoption order;
- under section 7, in the case of relative adoptions, to make the same inquiry and report to the court if the court so orders;
- under section 13.2, to disclose identifying information where she considers it to be in the best interests of an adopted child; and
- under section 15.1, to authorize payments made in the course of a private adoption.

Bill 73, the Adoption Amendment Act - 1990 allows for the licensing of non-profit agencies to facilitate private adoptions.

Bill 73 also repeals most of the above sections and allows the licensed adoption agencies to complete the court reports for agency placements, with the Superintendent responsible for court reports respecting ministry placements or direct placement by adult birth parents. Fees and expenses charged by licensed agencies may be regulated by the Superintendent.

In addition, the Superintendent's role as guardian of permanent wards under the Family and Child Service Act, children relinquished under the Adoption Act, and children under the Family Relations Act, makes her participation necessary in adoption planning for children in care.

c. Adoption Management Committee

The Adoption Management Committee, established in September 1989, is composed of one representative from each region, usually an area manager, and the Adoption Program Manager. Its purpose is to:

- identify issues and make recommendations to senior management with respect to legislation, policy, and procedures;
- identify training needs and strategies;
- monitor decentralization of services and the effectiveness of the Adoption Field Guide; and
- raise the profile of the adoption program generally.

The committee is expected to meet regularly throughout the year.

d. Family and Children's Services Division

i. Direction

The Director of Family and Children's Services Division (F&CS) oversees the adoption program as one of four areas of responsibility. The Adoption Program Manager is responsible for providing overall leadership to the adoption program. The 1991-92 Program Plan for F&CS states the following visions for the Adoption Program:

- children who cannot live with their own parents or extended family will have the benefit of a permanent home through adoption;
- in planning the adoption, the child's culture and heritage will be respected; and
- from pre-placement planning to the post adoption stage, Ministry services will ensure the long term security of the adoption placement.

ii. Policy analysis and development

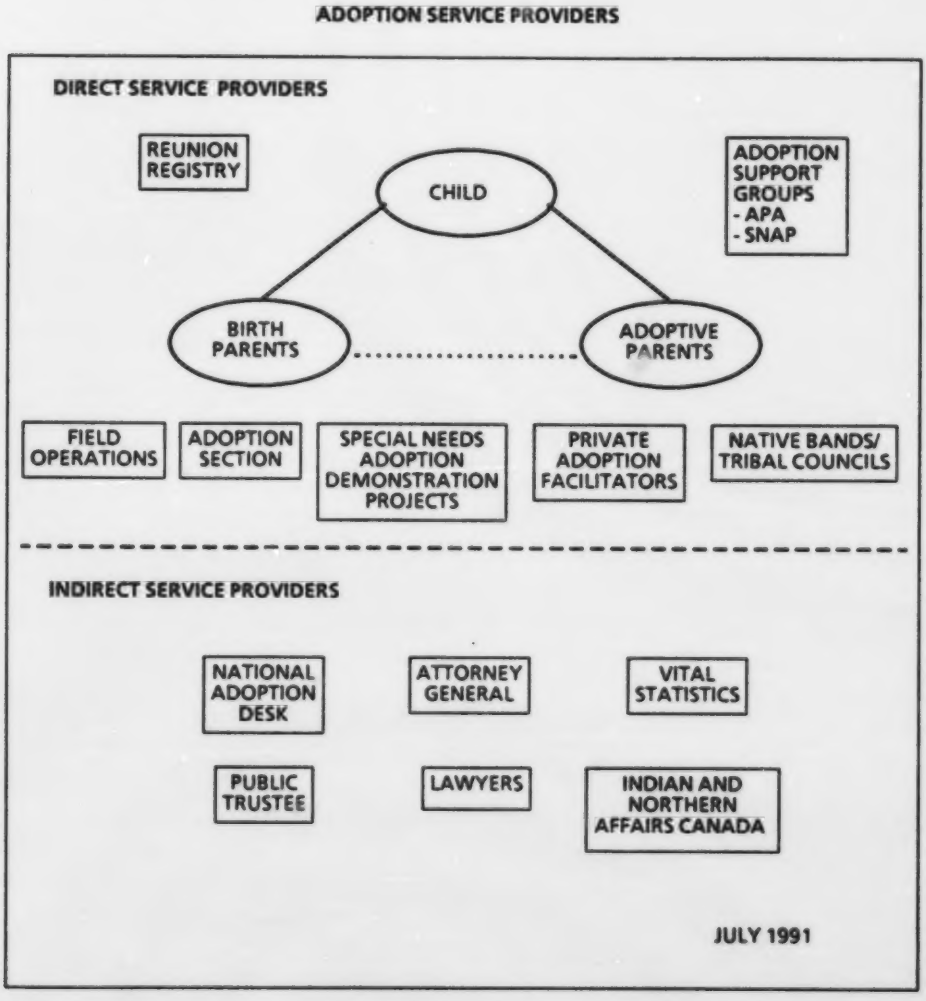
Since the 1988 reorganization of the Ministry, policy development and analysis that was done by an F&CS coordinator is now done by policy analysts. This work includes:

- providing to senior management required documentation including issue papers, discussion papers, briefing notes, draft legislative proposals, and draft policy;

- consulting with the field and other jurisdictions on issues;
- training;
- updating policy and procedure in the Adoption Field Guide;
- maintaining current issues files; and
- representing the Ministry on interministerial and interprovincial groups.

The adoption program exists primarily to find adoptive homes for children, but it necessarily includes services to birth parents and adoptive parents. In British Columbia, members of the adoption triad may be served directly or indirectly by the service providers shown in Figure 5. Each cell is described on subsequent pages.

Figure 5



(2) Direct service providers

a. Field Operations

i. Direct services

Ministry social workers provide the following major direct services to members of the adoption triad:

.to birth parents upon request
- exploration of alternatives to adoption;
- referrals for support services where available;
- placement into care where the birth mother is under 19 years of age;
- taking of consents;
- involvement in the selection of an adoptive family;
- reports on the child's progress in the adoptive home;

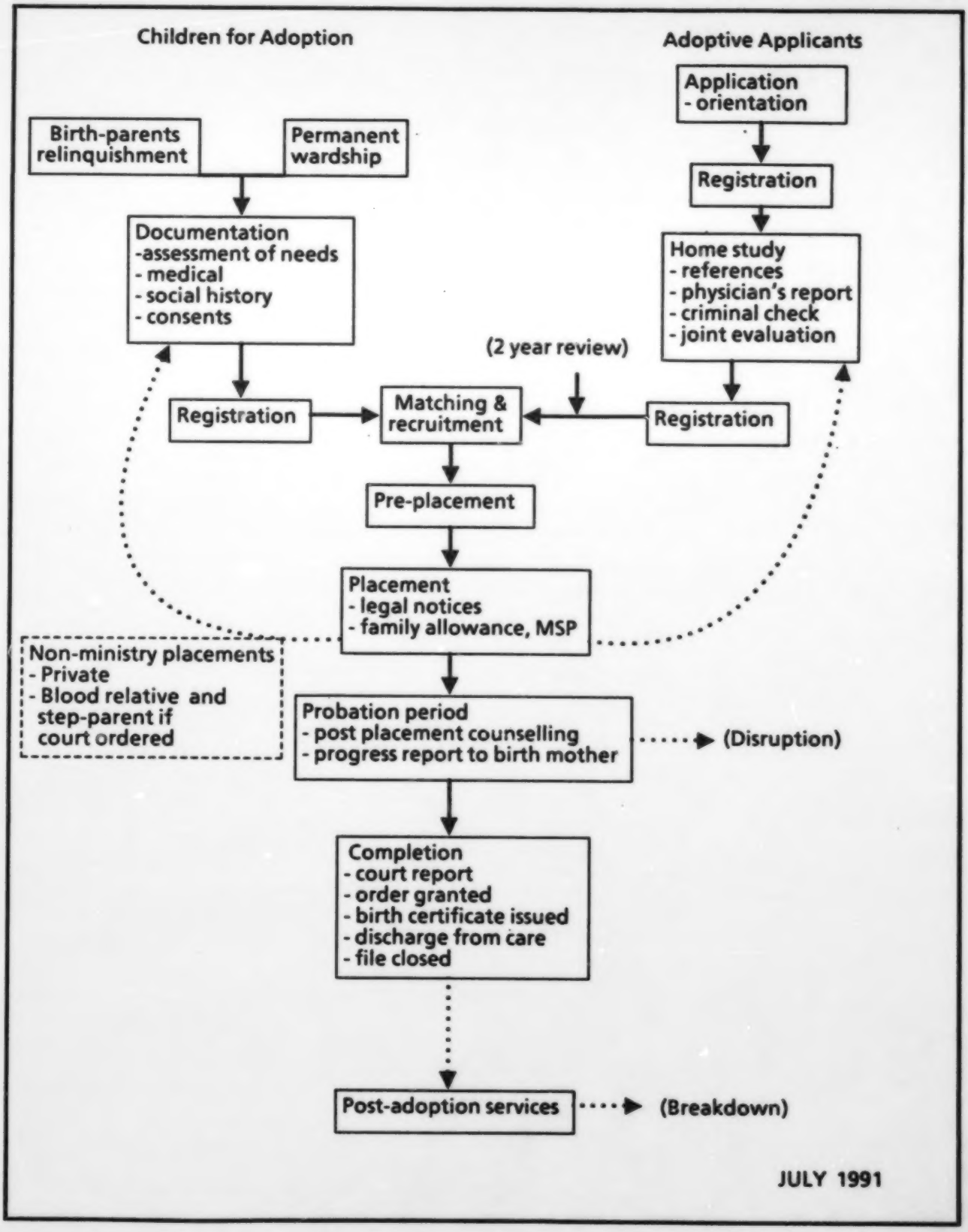
.to children
- a thorough background and birth history;
- a complete description of the child in order to help identify an appropriate home;
- preparation for placement;
- supervision of the placement through probation to ensure that it is in the child's best interest; and

.to adoptive parents
- a home study that helps the family to determine whether adoption is right for them, the type of child for which they are best suited, and the issues related to adoptive parenting;
- a description of their suitability to help match them with the most appropriate child;
- equitable access to available children;
- complete non-identifying information about the child's background prior to placement;
- preparation for placement;
- support services throughout the probationary period.

The Adoption Flow Chart, Figure 6, shows how the services to children and adoptive applicants are integrated.

FIGURE 6

ADOPTION FLOW CHART



ii. Service delivery

The Adoption Management Committee surveyed the delivery of adoption services in each of the ten regions in January 1990 and found as follows:

Services to adopting parents:

- All regions have at least one adoption specialist assigned to do homestudies.

  These specialists account for 16 3/4 FTE's and are located in district offices (more than 1/3), resource teams (1/3), and permanency planning units (less than 1/3).

  Approximately one-half of the specialists are the only person providing adoption service in their office. More than two adoption workers practice together only in the Lower Mainland and Victoria.

- Where a specialist is not available, homestudies are most often done by resource workers and, in the most rural areas, by generalist district office staff.

- The social worker who completes the homestudy also supervises the probationary period of the placement.

Services to relinquishing parents

- The relinquishing birth parent is most often served by a generalist social worker in the district office.

Services to children

- Most children referred for adoption are served by generalist district office staff, usually protection workers.

- Where permanency planning units exist, adoption preparation and placement of older children is done by workers as part of their permanent ward caseload. Permanency planning units exist in region C (Burnaby), G (Kamloops), H (Prince George), and L (Victoria), and are being considered in regions K (North Island), D (Fraser South) and the Vancouver part of regions A and B.

During the 1990/91 fiscal year, activity included

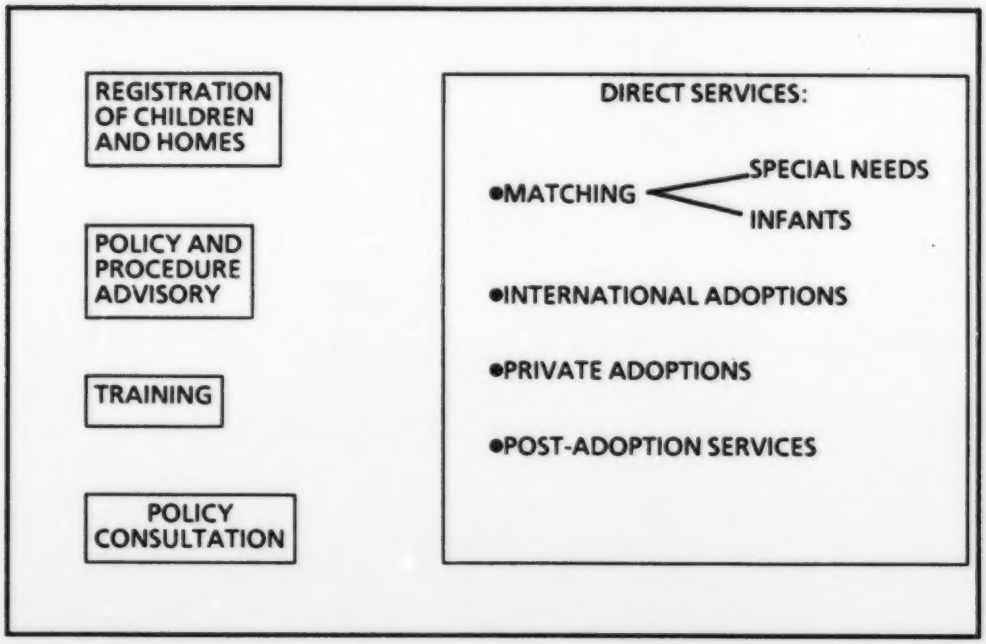
- 349 applications registered,
- 236 homes approved,
- 719 homestudies begun,
- 193 children placed,
- 200 children referred but not placed
- 171 court reports for Ministry placements, and
- 175 court reports for private placements.

b. Adoption Section

The Adoption Section is a unit of social workers, a supervisor, and administrative support persons who provide the Ministry's centralized adoption services. Figure 7 shows the main functions of the Adoption Section.

Figure 7

ADOPTION SECTION



i. Adoption registry

The main function of the Adoption Section is to assist district office social workers in finding adoptive families for children referred for adoption placement. Children become legally available for adoption when they come under the permanent guardianship of the Superintendent of Family and Child Service. There are three ways in which a child may become a ward of the Superintendent:

- under the Adoption Act when birth parents relinquish the child;
- under the Family and Child Service Act when the child is in need of protection from the parents' neglect or abuse; or
- under the Family Relations Act when, for example, the parents die and the child is left without a guardian.

When a child is referred to Adoption Section, relevant information is summarized, coded and entered in the computer. Similarly, adoptive applicants' information is registered, in a cursory manner at the application stage, and, in detail at the approved stage.

Upon referral of a child, the Section social worker conducts a computer search for appropriate, approved families. Whenever possible, three or four approved families' profiles are forwarded to the child's social worker. Where no, or few, appropriate families are registered, as in the case of a child with significant special needs, the Section social worker broadens the search criteria (eg. looks for indications of flexibility on the part of approved families), and, if necessary, moves to active recruitment methods, namely the Adoption Bulletin and the National Adoption Desk.

Almost all Ministry arranged adoptions are finalized in the B.C. Supreme Court in Victoria. Prior to September 15, 1989, the Adoption Section staff prepared and presented the Superintendent's reports to the court. These reports, while still signed by the Superintendent, are now prepared by social workers in district offices.

ii. Direct services

Adoption Section social workers are specialized in five direct service areas:

- matching infants (children under two years),
- matching special needs children,
- international adoptions,
- private adoptions including private international adoptions, and
- post-adoption services.

A. Matching

Social workers are involved in searching for appropriate approved homes for infants and special needs children.

Infants are typically referred to Adoption Section on the date of birth, or shortly thereafter, and placed eleven days later directly from the hospital. These adoptions, because of the short time frame involved, require immediate attention.

The worker assigned to special needs adoptions also searches for approved, appropriate families. Special needs children could be older or have genetic risks, behavioral, medical, physical, emotional and/or developmental problems. They could also be a child of a different race than the adoptive parents. Some of these children are featured in the Adoption Bulletin, edited by the special needs social worker.

B. International adoptions

International (Ministry) adoptions involve liaison between the district office and the National Adoption Desk, which by agreement should only communicate with the Adoption Section and not district offices. Consequently, all matters relating to these adoptions, including registration of adoptive applicants, reviews and placement supervision, must be routed through a social worker in Adoption Section.

C. Private adoptions

Currently, the social worker who oversees the private adoption process handles the requests for the Superintendent's approval of adoption-related payments. From time to time, she is requested by the Superintendent to inquire into and re-write private adoption court reports.

This social worker is also responsible for coordinating the Ministry's role in private international adoptions. This includes preparing the Superintendent's letter of no objection and no involvement for Immigration Canada in consultation with the district office social worker and an agency in another country, through the assistance of the National Adoption Desk.

D. Post-adoption services

The Adoption Section's post-adoption services unit provides non-identifying background information to adult adoptees, birth parents and adoptive parents upon request. In addition, background information is provided to

- former children in care,
- district offices,
- Indian and Northern Affairs Canada, and
- other provinces.

The unit also handles requests for disclosure of identifying information approved by the Superintendent of Family and Child Service.

iii. Additional services

The workers in Adoption Section spend time answering policy and procedural questions from the field, lawyers and others. They also provide consultation in complicated cases and court reports. The Adoption Section supervisor and workers are also asked to provide input into policy analysis and development, respond to ministerial correspondence, and provide or participate in field training.

c. Special Needs Adoption Demonstration Projects

Since November 1987, the Ministry has contracted with two agencies, a non-profit family service agency in North Vancouver and a private human services agency in Prince George, to provide specialized services for the placement of special needs children. The purpose of the demonstration projects is to demonstrate and test the type and intensity of the services believed essential in special needs adoptions.

The objectives of the projects have been:

- to recruit and assess families using specialized techniques;
- to assess children's needs by using specialized child assessment models;
- to match children with families using a systems-based matching process;
- to prepare children and families for placement; and
- to place children and provide specialized support services during all phases of the placement.

Each project has a steering committee headed by an area manager in the region.

An independent contractor is evaluating the projects according to:

- participant satisfaction;
- number of children placed;
- short and long term stability of placement;
- recruitment success;
- training opportunities for Ministry social workers and adopting parents; and
- effectiveness of assessment models and support services.

The South Okanagan Special Needs Adoption Project in Region F, funded through the Families First program, provides similar adoption services to prospective families and children with special needs.

d. Private adoption facilitators

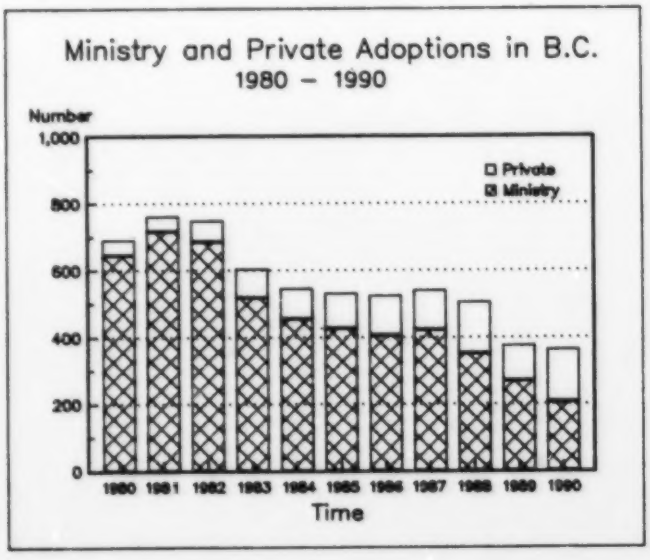
Currently, private adoptions are typically facilitated by doctors, hospital social workers, lawyers, private agencies, family, or friends.

Bill 73, the Adoption Amendment Act - 1990 allows for the licensing of non-profit agencies to facilitate private adoptions. Services by agencies will include studying and approving homes, counselling relinquishing parents, placing infants, reporting to court and providing post-placement support. The regulations concerning adoption agencies are being drafted and are scheduled for enactment sometime in 1991. The regulations may govern:

- the licensing and approval process;
- the qualifications to be met by employees of the agencies;
- standards and services provided;
- fees charged for services; and
- advertising and promotional material used by licensed agencies.

The number of private adoptions in B.C. has tripled in the last decade while the number of Ministry adoptions has declined by half, as shown in Figure 8.

Figure 8



e. Native Indian Bands and Tribal Councils

According to Ministry policy, native bands and tribal councils must be involved in the permanent planning process for Native children and be given every opportunity to present a permanent plan for a child where adoption is considered. Bands or tribal councils with whom the Ministry has formal child welfare agreements must approve any proposed adoption plan of any of their children.

The Ministry currently has agreements with

- Spallumcheen Band,
- Nuu-chah-nulth Tribal Council,
- McLeod Lake Band, and
- Carrier Sekani Tribal Council.

Where the Ministry has no formal agreement with the band or tribal council whose child needs a permanent home, the band or council must be notified and invited to participate in the permanency planning process. In the future, agencies licensed for private placements will be required to follow these same principles in planning for native children.

f. Adoption support groups

Adoption support groups are an important source of information and support for members of the adoption triad. For adoptive families, there are two major organizations: the Adoptive Parents Association (APA) and the Society of Special Needs Adoptive Parents (SNAP). The APA has eleven active chapters throughout the province. SNAP has regular group meetings in Vancouver, Surrey, and Abbotsford.

Both the SNAP and APA have contracts with the Ministry through the Families First Program. The SNAP is contracted to:

- inform and create public awareness of special needs adoption;
- provide mutual support to adoptive families through the exchange of information and local parent groups; and
- liaise with individuals, community groups, agencies and professionals concerning special needs adoption issues.

The APA is contracted to:

- maintain a resource and coordination center;
- provide existing chapters of the group with information, assistance and training to strengthen their ability in providing support services to local adopting families;

- encourage and assist in establishing and maintaining new chapters throughout the province;
- publish a newsletter nine times per year for distribution to members and Ministry offices; and
- provide Ministry staff with resource information of a general nature to assist them in working with adoptive families.

The APA newsletter is particularly valuable to Ministry staff in reporting on adoption activities within the province and elsewhere. APA information packages on private and international adoption are an important source of information to prospective adoptive parents. The APA hosted a national adoption conference in September 1990 which featured internationally recognized adoption experts.

For adoptees and birth parents seeking each other, there are two main groups: the Canadian Adoptees Reform Association (CARA) and Parent Finders.

g. Adoption Reunion Registry (Vital Statistics)

The Adoption Reunion Registry, administered by the Vital Statistics Division of the Ministry of Health, was established in January 1988. It exists to facilitate the reunion of birth parents and adult adoptees. If both parties register, they are advised of their matching registrations and a reunion may occur.

As of March 1991, after three years of operation, the Registry had received 2,149 registrations and made 97 matches. Female birth parents make up 91% of the 934 parent registrations while female adoptees make up 71% of the 1,215 adult adoptee registrations.

Legislation to create an active reunion registry was passed in June of 1991. The legislation allows adult adoptees and birth parents to request an active search for each other. Adult adoptees will be able to search for siblings if the birth parent has died or they were adopted separately. Adoptees and birth relatives can register a veto prohibiting contact. Reunions will not be facilitated without the consent of both parties.

Also, the passive reunion registry will be expanded to include other birth relatives of an adoptee (i.e. siblings, grandparents, aunts, uncles).

(3) Indirect service providers

In addition to the management and direct service providers, several organizations provide indirect services to the Ministry or child. These services are described overleaf.

a. National Adoption Desk (Health and Welfare Canada)

The National Adoption Desk (NAD) of the federal Department of Health and Welfare was established in 1975 at the request of the provinces. Its purpose is to coordinate services to the provinces in the areas of interprovincial and international adoptions. By agreement, it is to work only with provincial governments, or those authorized by provincial governments (eg. Children's Aid Societies).

More specifically, the National Adoption Desk:

- acts as a liaison between provinces and foreign governments or agencies;
- forwards international adoption enquiries;
- coordinates individual placements and cases; and
- establishes working arrangements and agreements with foreign countries.

The NAD has working arrangements with six countries or more at any one time.

b. Legal Services Branch (Attorney General)

The adoption program relies upon the Legal Services Branch of the Ministry of the Attorney General to provide legal advice. Requests for written or verbal legal opinions typically come from field management, the Adoption Section supervisor or social workers, the Director of F&CS, or the Superintendent.

c. Administrative services

To complete adoptions, Adoption Section communicates with the Vital Statistics Division of the Ministry of Health to update birth registration records and provide the child with a new birth certificate. Indian and Native Affairs Canada is notified of the adoptions of status Indian children. The Public Trustee may be involved, usually in the case of Family Relations Act wards, if monies are held in trust for the child.

Lawyers are usually retained by private adoptive applicants to prepare and present the necessary legal documentation when applying for an adoption order.

(4) The last six years

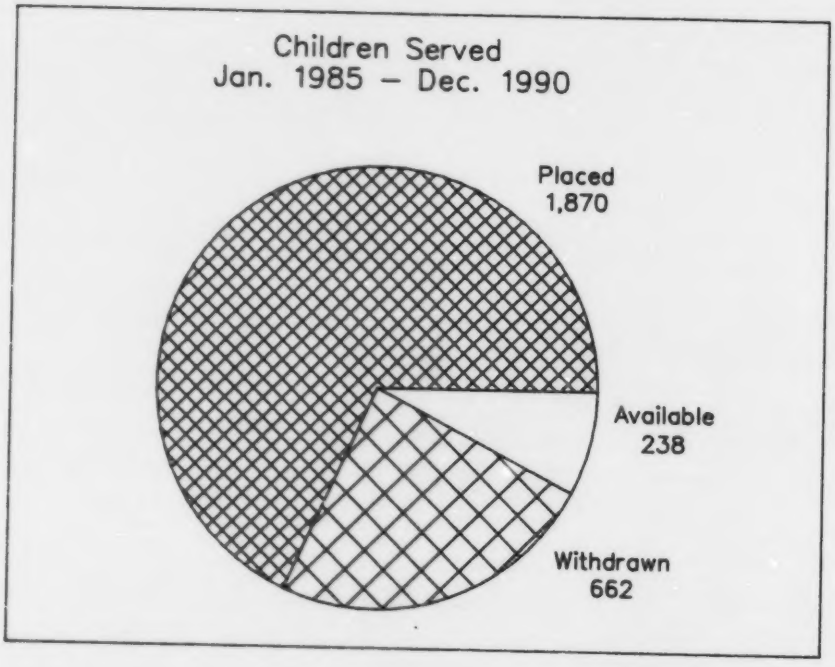
In January 1985, the Ministry implemented a computer system to facilitate the matching of children available for adoption with approved adoptive homes. The system also quickly generates descriptive statistics. We are thus able to review the past six years of activity within the adoption program with a greater degree of accuracy.

a. Services to children

In the last six years, the Ministry has served 2,770 children as shown in Figure 9,

- 1,870 were placed
- 662 were withdrawn after referral, and
- 238 were available for adoption as of Dec.31, 1990

Figure 9



i. Placements

Of the 1,870 children placed by the Ministry, from 1985 to 1990,

- 44% were healthy infants,
- 56% were special needs children (ie. either older than two years or with physical, mental or emotional disabilities or difficult background factors).

As well, of the 1870 children placed, 28% were Native children,

- 57% of whom were status Indians, and
- 23% of whom were placed in Native homes.

The legal status of these children at the time of placement was:

- 44% Adoption Act wards;
- 43% Family and Child Service Act permanent wards;
- 1% Family Relations Act wards; and
- 12% from out-of-province or country.

The table below details the type of children placed by the age of the child at placement.

Figure 10

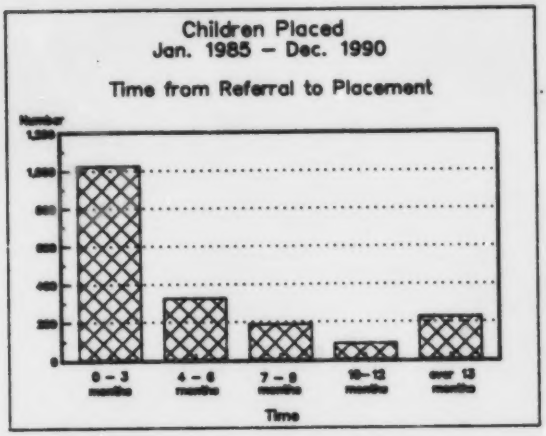
Profile of Children Placed
Jan. 1985 - Dec. 1990

Type of Child

Age of Child	Caucasian	Other Race	Special Factors	TOTAL	%
0-23 mos.	513	304	191	1,008	53.9%
2-4 yrs	63	103	193	359	19.2%
5-9 yrs	42	68	185	295	15.8%
10-14 yrs	46	56	67	169	9.0%
15-18 yrs	15	18	6	39	2.1%
TOTAL	679	549	642	1,870	100.0%
%	36.3%	29.4%	34.3%	100.0%	

Those children who were placed in adoptive homes were generally placed quickly. As shown in Figure 11, of the 1,870 placed in the last six years, 55% were placed within three months of referral and almost 90% within one year.

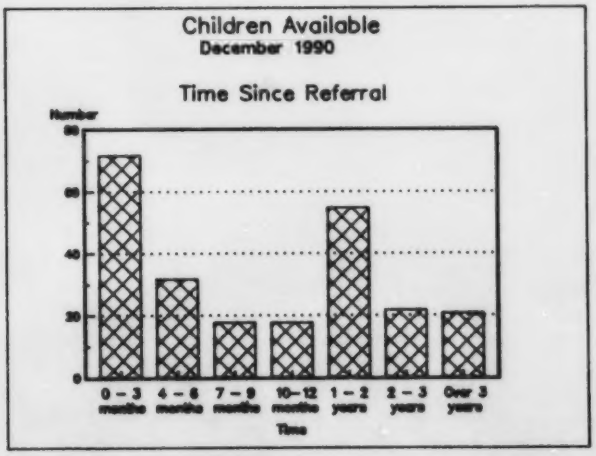
Figure 11



ii. Children available

Figure 12 concerns the 238 children who were available for placement as of December 31, 1990. One-third (30.3%) had been registered for three months or less. The remaining 70% are divided into a small group (68 children) registered from five to twelve months and a larger group (98 children) registered for more than one year including some registered for five years. When this group of 98 children was compared to children already placed, they were twice as likely to have special needs besides being older. Medical difficulties or mental retardation occurred in a higher proportion of children in this group.

Figure 12



iii. Withdrawals

In the last six years 662 children were withdrawn from the registry, 40% within a month of referral. Most withdrawals (92%) occurred within two years of referral.

Children were withdrawn for the following reasons:

- 43% were kept by the mother or placed privately;
- 6% were returned to the parents;
- 5% were withdrawn because of lack of resources;
- 7% required treatment before adoption planning could proceed;
- 12% maintained their foster home placement (Permanent Life Placement);
- 4% had legal problems; and
- 23% had other problems.

iv. Disruptions

An adoption probation which does not proceed to completion and results in the child leaving the home is termed a disruption. Of the 1,870 children placed in the last six years, only 94 or 5.0% disrupted before adoption was completed. This rate is much lower than the 10% rate generally cited in North American literature. The most frequent reasons for disruption as coded by social workers were child behaviour problems and too high expectations by adoptive parents. Also, disruptions occurred at a higher rate in the regions outside the Lower Mainland and Vancouver Island.

Jeremy Berland (3) in a review of special needs disruptions determined that the age of the child at the time of adoption placement was a significant factor. The younger the child, the lower the risk of disruption. The study also showed that children who were members of a sibling group were more likely to complete than children without siblings or children placed alone.

v. Breakdowns

A survey of admissions to care in B.C. during a six month period in 1987 determined that 1.5% of the admissions were previously adopted children. The admission to care is termed a breakdown as the adoption order was granted some time in the past. It is estimated that there are approximately 12,000 adopted children (0-18 years) in B.C. which is 1.5% of the total 795,000 child population. This suggests that the previously adopted children are not over-represented in the child in care population.

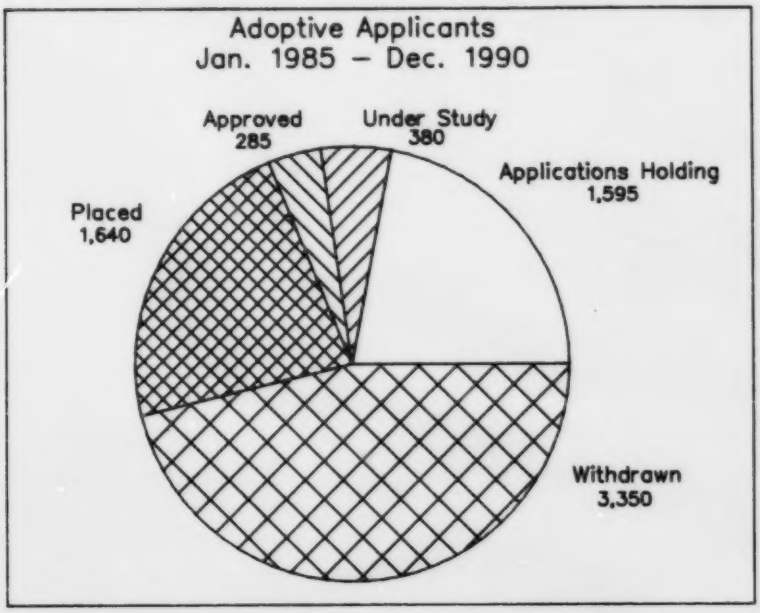
(3) Berland, J. Special Needs Adoption Disruptions: A British Columbia Review, Master's Thesis, 1990.

b. Services to adoptive applicants

In the last six years and as of December 1990, 7,250 applications were received. The disposition of the application is shown in Figure 13:

- 1,595 were waiting to be studied,
- 380 were under study,
- 285 were approved and waiting for a child,
- 1,640 had a child placed in their home, and
- 3,350 withdrew their applications.

Figure 13



i. Applications waiting to be studied

The number of applicants waiting to be studied reached a high of 3,200 in 1985 and had decreased to 1,595 as of December 1990. These applicants have been waiting an average of 34 months since their application for the homestudy to be started.

ii. Applications under study

For the 380 homes which were under study as of December 1990, the average time from the beginning of the study was seven months. Twenty-six percent of the homes were under study beyond seven months.

iii. Approved homes

Once a home study has been completed and the applicants are approved as potential adopters, they wait for a placement. There were 285 approved applicants on the adoption system as of December 1990. They had been waiting for a child to be placed in their home an average of 3.3 years since their approval and 4.7 years since their application. Thirty-five percent (35%) of the approved homes had been waiting over six years for a child.

iv. Placements

Of the adoptive applicants who received a child, the average time from their application and the child's placement in their home was 38 months; 93% of the placements occurred within six years of application.

v. Applications withdrawn

For every home which received a placement in the last six years, there were two adoptive applicants who withdrew their applications. Of those applicants who withdrew, 90% did so by the end of six years but some applicants waited 15 years before withdrawing. These homes were less likely to accept a special needs child than the currently approved homes.

The files indicate that applications are withdrawn because applicants:

- become pregnant,
- adopt privately,
- separate from each other,
- move to another province, or
- decide not to adopt.

C. CURRENT ISSUES

In this section, we set out the issues which currently confront the adoption community. These issues have emerged because of the sociological and medical changes occurring in society at large.

(1) International adoptions

Background

The limited supply of healthy infants available for adoption has caused increasing numbers of prospective adopters to seek international adoptions. Although, they represent a relatively small proportion of placements in British Columbia, they constitute a body of work for social workers. The Ministry is directly involved in international adoptions in conjunction with the National Adoption Desk which currently has working relationships with six countries. On average there are 39 Ministry international placements per year.

Since 1974, Canadian federal immigration laws have permitted the entry of children whose adoption by Canadian citizens was finalized in their country of origin. When such parents adopt children privately from countries which do not have a federal working arrangement, the ministry is requested to provide services to the adopting parents before finalization, to Immigration Canada and often to the foreign child welfare agency. Requested services include:

- a letter from the superintendent stating there is no objection to the proposed arrangement;
- sanctioning the homestudies of private social workers; and
- facilitating the exchange of documentation.

The overwhelming response by Canadians to the 1990 television newscasts showing Romanian children in state orphanages, indicated the interest in providing homes for these needy children. On the other hand, developing countries are clarifying their policies and procedures to ensure the best interests of the child are considered over the needs of the adoptive parents so the supply of healthy infants from these countries is diminishing.

A literature review(4) on the subject of intercountry adoptions concludes that the majority of placements are successful as measured by self-esteem of the child, school achievement and peer relations as well as parents' satisfaction with the adoption process.

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(4) Cohen, J. "How are They Faring?, A Study of Inter-Country Adoption in Canada", Research proposal, 1989.

An evaluation of the Canadian experience with international adoption is currently being conducted by Joyce Cohen, funded by Health and Welfare Canada and in cooperation with the provincial agencies.

Concerns

- Adoptive parents may experience long delays and substantial expense. They may have unrealistic expectations about the process and the Ministry's role, in particular.

- Information on the processes involved with international adoptions is complex and quickly outdated.

- Transracial and transcultural adoptions bring into play other issues for adoptive families of which service-providers must be aware. These are particularly applicable as the children approach adolescence and its emerging identity issues.

(2) The counselling role

Background

As with any process involving human decisions, not all adoptions are perfect. The reconstituted family has many issues to deal with and tasks to complete. Therefore, the adoptive family and the child experience a great deal of emotional pain if there is a dissolution of the adoption family. Parties may place blame onto themselves so the social worker's task is not to determine why the placement is not going smoothly but how to minimize the trauma to the family and child.(5)

a. Disruptions

An adoption probation which does not proceed to completion and results in the child leaving the home is termed a disruption. The child is still legally a ward of the Superintendent but the placement changes. Disruptions most often involve children with special needs and are likely to increase with the trend toward placement of older children.

b. Breakdowns

A breakdown occurs after the adoption order has been granted. At the time of the breakdown, the child's legal guardian is his/her adoptive parent and therefore the child enters care under a parental agreement or through the court process as a protection concern. Separation from the parents is not always permanent so the child may return home after a short stay in care.

c. Post-adoption services

Not all difficulties in an adoptive family result in the removal of a child. At times, especially during the onset of adolescence, the family may require adoption sensitive services.

An adoptive family of a special needs child can often view itself as a "treatment family". When a special needs child is in a treatment facility, he or she does not have security because improvement means moving to another resource. In a family, however, the healthier the child becomes, the greater the chances of staying with that family. Some families, such as foster parents who are experienced in dealing with abused children, often do not seek to create a traditional family when they adopt, but rather see themselves as offering security and protection to a child.

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(5) Barth, R.P. and M. Barry. Adoption and Disruption: Rates, Risks and Responses, Aldine de Gruyter, 1988.

The Assisted Adoption Program seeks to aid adoptive families in caring for special needs children after the final adoption order is granted. Subsidies to parents cover certain costs related to the child's care for specific services, maintenance and/or time-limited payments.

Concerns

- The successful placement of older children and those with special needs requires specific knowledge and skills to accurately assess the child's needs and the family's ability to meet those needs.

- Professional assessments of children and counselling to work through the adoption grieving process can aid in a more successful placement.

- Workers need training in dealing effectively with the highly emotionally charged situation presented by a disruption.

(3) Openness in adoption

Background

Four forces have moved the notion of openness in adoption to be more widely accepted.

- The last twenty years have seen open discussion of many previously taboo subjects such as sexual abuse, contraception and infertility. Society's view of illegitimate children is now less severe than earlier in the century with single parenthood recognized as a legitimate, if non-traditional life style.

- The increased interest in genealogy and searching for "roots" by the general public has spilled over to adult adoptees.

- Psychological research into human emotional development indicates a need for completion or closure of incomplete tasks for successful resolution.

- Developments in genetic research have determined an increasing percentage of the population will develop a disease or condition with a clear genetic component. The need to know genetic heritage now moves from curiosity to medical importance.

The notion of the adoption process as one shrouded in secrecy is being seriously challenged.

a. Placement

"Open adoption" or "cooperative adoption" has become more common in private arrangements, especially in the United States. Open adoption allows for short or long term contact between the relinquishing birth mother and the adoptive parents, either with or without full disclosure of names. This can involve an exchange of letters or pictures, meetings before or after placement, and child progress reports from the adopting parents.

Over half of Ministry adoptions involve older children, many of whom know their birth parents and birth relatives and could benefit by continued contact with them.

In November 1989 the Adoption Act was amended to add a new section 13.2 which permits the Superintendent to disclose identifying information where it is considered to be in the best interests of an adopted child, including:

- where the child has an important relationship with a relative, foster parent or other person,

- where an adopted child is a status Indian within the meaning of the Indian Act,
- where disclosure of identifying information is necessary for the child to receive a benefit, and
- where the health or safety of an adopted child requires it.

b. Post-adoption disclosure

The debate over opening sealed records has recently been intense. Debaters cite the complete range of options from Scotland which releases to adult adoptees their original birth certificates while the Northwest Territories has no registry. The scope of activity in a reunion registry for adult adoptees and birth parents is illustrated below starting with the least expensive.

No Registry
Only non-identifying information is released

Passive Registry
Reunion possible only when both parties apply
Native bands may apply in lieu of birth parents

Semi-Active
Discreet searches may be made on behalf of adult adoptees
The right of registering a non-search is possible

Active Registry
i) For adoptees only
An agency searches for birth parents

ii) For both parties
An agency searches for birth parents or adoptees

Interwoven with the types of searches are other factors. Those under debate include:

- fee structure for registration and searches,
- registration of other blood relatives such as siblings and grandparents,
- use of trained volunteers as intermediaries,
- mandatory or 'if required' counselling during the reunion process, and
- inclusion of medical reasons for a active search.

Adoptees, predominantly women, begin a search in their early 20s when they are establishing a sense of adult identity. Current literature indicates very few have been sorry they searched because of what they found.

c. Post-adoption requests

From approximately six requests per month in the mid 1960s and 30 per month in the mid 1970s, the Ministry now receives on average over 100 requests per month for non-identifying information. Requests are generally dealt with in the order they are received except for cases where the information is urgently required. The number of requests will continue to be high as the children placed during the peak of adoptions (see Figure 3) are now in their mid-twenties.

David Kirk in his now famous book on adoptions "Shared Fate" (6) introduced the concept of rejection versus acceptance of differences in adoptive families. His contention was that rejection of differences leads to closed placements and sealed records. The acceptance of differences leads to more open placements, open records and possibly subsidies. The acceptance of differences also leads to an ability to confront difficulties and look for solutions, rather than denial and avoidance of the issues involved.

Concerns

- The needs and abilities of individual members of the adoption triad must be considered when contemplating the degree of openness during placement.
- Adoptive parents can view the opening of records as a betrayal of the agency's pledge.
- Adoptees who were not party to the original agreement view the secrecy as an affront to human dignity and their civil rights.
- Birth parents can desire the opportunity to establish a meaningful relationship aside from the parenting role.

(6) Kirk, D. Shared Fate, Free Press, 1964.

(4) Babies with an unknown prognosis

Background

In Canada, the number of known cocaine users has quadrupled in the last seven years (7) and law enforcement agencies believe that usage will continue to grow. Cocaine, a cross-cultural drug, is particularly invasive to the fetus because it readily crosses the placental barrier resulting in premature uterine contraction, hypersensitive babies and physical and neurological malformations. These babies, often referred to as crack infants, are at risk of developing learning disabilities and hyperactivity as they grow older.

Infants born to women with the Human Immunodeficiency Virus (HIV) virus are at risk of contracting the disease but a positive test for HIV may only be residual antibodies from the mother and a firm diagnosis is difficult before the child is 18 months old when their own immune system matures.

Fetal alcohol syndrome (FAS) is a set of abnormalities seen in offspring of women who have ingested excessive amounts of alcohol during pregnancy. The exposure to alcohol causes central nervous system deficiencies and facial feature anomalies. The symptoms are not always detectable at birth but the long term effect may mean inattentiveness and impulsive behaviour which can result in academic difficulties for school-age victims.

Concerns

. HIV positive, fetal alcohol syndrome and crack infants pose difficulties in placement since their prognosis is unclear at birth. Adoptive parents need to be informed of the risks to these children.

(7) Johnson, H., Illegal Drug Use in Canada, Statistics Canada, Winter 1988.

(5) New reproductive technologies

Background

New reproductive technologies are an attempt to remedy infertility. They include:

- AID (Artificial Insemination by Donor)
- AIH (Artificial Insemination by Husband)
- In vitro fertilization (test tube baby)
  - wife's egg combined with husband's sperm outside of body and reimplanted in wife's womb
- In vivo fertilization (embryo transplant)
  - husband's sperm used to impregnate another woman, at five days, fertilized egg is transferred to wife's womb
- Embryo cryopreservation (frozen embryos)
  - embryos from in vitro or in vivo fertilization are frozen, and at a later date, thawed and transferred to womb
- Surrogacy - A woman agrees for a fee
  - to be impregnated by artificial insemination,
  - to carry a baby to term,
  - after birth to deliver the baby to the biological father, and
  - surrender her parental rights;
  - the wife of the biological father then adopts the child.

Surrogacy and AID are especially relevant to the adoption program because they involve the transfer of parental rights over a child.

The extent to which reproductive technologies are used in B.C. is undetermined. With respect to AID, it is estimated that physicians practicing in the area inseminate 300 new patients a year. Because there is no gamete (egg or sperm) bank in B.C., semen is likely to be from medical students, family or friends, or imported from American sperm banks.(8)

The number of surrogacy arrangements made in B.C. is difficult to estimate. Surrogacy adoptions would not ordinarily come to the Ministry's attention because relative adoptions are not statutorily subject to the Superintendent's investigation, unless court-ordered.

A federal Royal Commission on Reproductive Technologies was announced in October 1989 and is scheduled to report to the federal Parliament no later than October 1992.

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(8) See Report of the Special Task Force Committee on Reproductive Technology, Canadian Bar Association (B.C. Branch), 1989.

Concerns

- Artificial insemination by anonymous donor presents two major problems for offspring:
  - one-half the child's social, medical, and genetic history is unavailable to him or her; and
  - as for an adoptee, the child goes through life unable to identify siblings. The likelihood of having half-siblings, however, is much greater given that one donor's semen may be used to inseminate hundreds of women.

- Surrogacy parenting agreements are incompatible with public policies underlying adoption law in three fundamental ways:
  - they are contrary to section 15.1 which prohibits baby-selling;
  - the surrogate mother's consent is not voluntary because she is paid money and not informed because she does not know, until she has had the child, her degree of attachment and willingness to relinquish; and
  - the adopting parents' fitness to care for the child is not assessed; their ability to pay the fee is the only criteria for selection.

D. ELSEWHERE IN CANADA

(1) Highlights

Figure 14 summarizes the major features of adoption legislation in each province and territory. Most activity on the adoption scene in recent years has been in the areas of private adoptions, reunion registries and subsidized adoptions.

Private adoptions

- Four jurisdictions regulate private adoptions by licensing agencies to place children.

Reunion registries

- There are four semi-active, one active, five passive and two non-official adoption reunion registries. New Brunswick has a semi-active registry for siblings only.
- Saskatchewan has a semi-active registry and charges fees ranging from $35 to $265 for searches.
- Most jurisdictions are considering more active registries and the inclusion of siblings and relatives in the registration process.

Subsidized adoptions

- Eight jurisdictions have enacted legislation to provide financial assistance for the adoption of special needs children.
- Nova Scotia and Yukon Territories have not legislated subsidized adoption but, in practice, subsidies are provided in certain circumstances.
- Prince Edward Island is the only province without any form of subsidy for the adoption of special needs children.

(2) New initiatives

- Saskatchewan and British Columbia are using videotapes of children and families in the recruitment and pre-placement process.
- The Northwest Territories processes Native Indian custom adoptions although there is no legislation covering this area.
- None of the jurisdictions have legislation governing surrogacy but Saskatchewan and the Yukon Territory have enacted legislation with respect to artificial insemination by donor.

Figure 14

ADOPTION IN CANADA: MAJOR FEATURES

FEATURES	BC	ALTA	SASK	MAN	ONT	QUE	NB	NS	PEI	NFLD	NWT	YKN
Reunion Registry	passive	passive	semi-active	semi-active	semi-active	active	semi-active	passive	no regstry	passive	no regstry	passive
Open Ministry Adoptions	no	no	yes	yes	no	no but done	school age	no	school age	special needs	no	no but done
Private Adoption Regulation	no	yes	yes	no	yes	no	no	yes	no	no	no	no
Subsidized Adoption	yes	yes	yes	yes	yes	yes	yes	yes no leg.	no	pend-ing	yes no leg.	yes
Probation Period	6 mo	6 mo	90-120 days	6 mo	6 mo	6 mo	6 mo	6 mo	6 mo	6 mo	6 mo	6 mo
Consents Signed (min)	10 days	no min.	3 days	10 days	7 days	7 days	7 days	15 days	14 days	21 days	4 days	no min.
Consent of Child	12 yr	12 yr	12 yr	12 yr	7 yr	10 yr	12 yr	12 yr	12 yr	12 yr	12 yr	12 yr

MARCH 1990

- Alberta enacted legislation in September 1989 which enables post-legal adoption services, including subsidized adoptions for special needs children.

- Quebec is considering the licensing of private agencies to oversee international adoptions.

- Nova Scotia is undertaking descriptive research on disruptions.

- With the enactment of the federal Indian Act, 1985, all jurisdictions have developed a policy whereby Indian bands are notified or consulted when Native children are available for adoption. Some have developed tri-partite agreements while others have a policy of priorities. Social services in northern Quebec are delivered by Inuit staff.

- Health and Welfare Canada is funding a study entitled "How Are They Faring?" by Joyce Cohen on foreign born children adopted by Canadian caucasian families.

- The Institute of Public Policy plans to release in 1991 a study called "International Adoption in Canada: Public Policy Issues".

- Health and Welfare Canada is also currently preparing descriptive and statistical information packages on various child and family service programs including adoptions. These packages will describe each jurisdiction's policies in much greater detail than provided here.

E. RECENT ACCOMPLISHMENTS AND FUTURE PROSPECTS

This review of adoption services and issues comes during a period of significant scrutiny and change within the Ministry's adoption program. In many ways, the program has been revitalized over the last four years.

- In 1987 the Special Needs Adoption Demonstration Projects were established to test the type of services believed essential in special needs adoptions.

- In February 1989 the Ministry held a conference on special needs adoption featuring the American specialist, Kay Donley.

- In 1989, the Ministry produced an excellent one half hour videotape documentary entitled "New Beginnings" concerning families who adopt special needs children.

- In September 1989, the Adoption Field Guide was introduced and has been successful in detailing and standardizing policy and procedure in the field.

- Also in September 1989, the Adoption Management Committee was established.

- In March 1990, the new Assisted Adoption Program was implemented to subsidize families who adopt special needs children.

- Bill 73 which passed Third Reading in July 1990 allows for the regulation of licensed adoption agencies to provide adoption services. The regulations will address many concerns currently expressed regarding private placements.

- The Adoption Program Manager's priorities from the F&CS 1991-92 Program Plan will be to:
  - work with other Ministries and the community to integrate services to children and youth;
  - review and strengthen the continuum of services for adopting families;
  - review the Family and Child Service Act and the Adoption Act; and
  - build and develop partnerships in the licensing of adoption agencies and implement the updated practice standards for social workers.

- Legislation creating an active reunion registry was passed in June 1991. The active nature of the registry will facilitate many more reunions with a veto provision for protecting privacy.

F. SUMMARY

The purpose of this paper has been to provide a general description of adoption services and activities as they currently exist in British Columbia. The demographic and sociological forces which have shaped the direction of the program are reflected in the historical sketch.

Adoption would appear to have greater prominence in the public eye at this time than it has had in the past. Although the total number of adoptions has declined dramatically since the early 1970s, requests for home studies has been at a high point in recent years, in great part because Baby Boomers, the bulge in our population, have been in their family-creating years. As the Baby Boomers age, the number of applicants waiting, particularly those preferring an infant will decrease, resulting in less pressure for placements.

However, infants requiring extra care for medical reasons may increase and the Ministry will continue its mandated work of placing permanent wards with adoptive families. Also, requests for backgroud information from adoptees will continue as the adopted Baby Boomers seek to complete their life stories.

The new active reunion registry along with the licensing of adoption agencies will open a new chapter for adoption in British Columbia.

To conclude:

"Adoption exists as an imperfect social invention intended to meet the needs of some children and of the adults who wish to ensure that those children's needs are truly met." (9) Since it is a social invention the adoption process will continue to evolve as society's mores and values shift.

Provincial governments, private societies and members of the adoption triad will continue to grapple with the resolution of the confronting issues, always cognizant of the nurturing nature of adoptions.

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(9) Gonyo, B. and K.W. Watson. "Searching in Adoption" Public Welfare, Winter 1988, p.22.